RECENT CASES.

BANK DEPOSITS—DEMAND—TOBIAS v. MORRIS, 28 Sou. Rep. (Ala.) 517.—Where suit was brought for money deposited in a bank but no demand made at the bank for its payment. *Held*, no recovery.

There is authority to the effect that the filing of the suit would constitute the demand, but equally strong authority is found to the contrary: *Branch* v. *Dawson*, 33 Minn. 399; *Downes* v. *Banks*, 6 Hill 297, 2 Am. & Eng. 101.

CARRIERS—TERMINAL CHARGES—INTERSTATE COMMERCE COMMISSION v. CHICAGO, B. & Q. R. R., 103 Fed. 249.—A charge of two dollars per car on live stock consigned to or from Chicago in addition to the regular charge for transportation, when published as part of their rates, is not unreasonable and unjust. Grosscup, C. J. (dissenting).

From this decision it would seem that a railroad need not furnish the same terminal service for live stock that they are required to for freight and passengers. The distinction thus drawn does not seem to be an entirely satisfactory one. Live stock can hardly be considered to-day, as an exceptional kind of traffic. If the railroads furnished some means for receiving the stock, and it was for the special convenience of the consumer that it was sent to the stock-yards, then there might be some grounds for sustaining the extra charge. But as it is, the distinction seems unwarranted.

CARRIERS—INJURY TO PASSENGER—LURCH OF ENGINE—INSTRUCTIONS—CONTRIBUTORY NEGLIGENCE—ENGINEER'S AUTHORITY—CLAIRBORNE v. MISSOURI, ETC. RY. CO. OF TEXAS, 57 S. W. 336.—Plaintiff paid brakeman less than regular fare and was directed to sit on the foot-board of the engine. While in the act of accepting an invitation from the engineer to ride in the cab, he fell, owing to a sudden lurch of the engine. *Held*, that the R. R. was liable for his injuries.

In *McDonald* v. *R. R. Co.*, 22 S. W. 939, the court well said that "the negligence or trespass of a person does not place him beyond the protection of the law, and does not excuse another for failure to exercise care to avoid injuring him; much less does it justify a wilful injury." See also, *R. R. Co.* v. *Jazo*, 258 S. W. 714. As the engineer was responsible for the sudden lurch of his machine and the act might be said to be within the scope of his duties, the employer is responsible for the resulting injury. *Burnett* v. *Occhsner*, 50 S. W. 562. *R. R. Co.* v. *Zantzinger*, 53 S. W. 379.

DEDICATION—EVIDENCE—PALEN v. CITY OF OCEAN CITY.—46 Atl. 774 (N. J.)—In 1880 The Ocean City Association, a body corporate, being owner of a large tract of land in the county of Cape May, constructed a road leading to the bay, at the end of which there was a wharf, part of which projected beyond high water mark. The map of street with said wharf marked thereon was filed by the association with the county clerk. In 1886 the association conveyed to the plaintiff the wharf and certain other property. In 1897 the defendant was incorporated a city, and subsequently took possession of the wharf. Plaintiff brought an action of ejectment, decision was given in favor of defendant. Plaintiff appeals. Judgment reversed.